

PATENT COOPERATION TREATY

RBC

PV040062

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43 bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/007676

International filing date (day/month/year)
09.03.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
H04B1/707, H04L25/03

Applicant
THOMSON LICENSING S.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Event	Written Opinion OA
Deadline	21-Jan-'05
Entered	28-10-04

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
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Authorized Officer

Moreno, M

Telephone No. +31 70 340-4414



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/007676

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/007676

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-4,7-9
	No: Claims	1,5,6,10
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.
IAP9 Rec'd PCT/PTO 22 AUG 2006
PCT/US2004/007676

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US 2003/133424 A1 (CHIN PO SHIN FRANCOIS ET AL) 17 July 2003
(2003-07-17)
D2: WO 01/01595 A (ERICSSON INC) 4 January 2001 (2001-01-04)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 5, 6 and 10 is not new in the sense of Article 33(2) PCT.

- 2.1. The document D1 discloses (the references in parentheses applying to this document):

A hybrid rake/equalizer receiver for correlating a delay spread in a spread spectrum system (page 1, column 2, paragraphs 4-5), wherein a plurality of adaptive equalizers (page 2, column 2, paragraph 3), each for filtering different regions of the delay spread that have an energy level above a pre-specified threshold to respectively provide equalized-descrambled chip sequences for correlation (FIG. 5; page 6, paragraph 3), and wherein equalizer coefficients respectively corresponding to the plurality of adaptive equalizers are updated individually (page 5, column 1, lines 8-12).

The subject-matter of claim 1 is therefore not new in the sense of Article 33(2) PCT and therefore not inventive Article 33(3) PCT.

- 2.2. The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 6, which therefore is also considered not new and therefore not inventive.
- 2.3. Dependent claims 5 and 10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step, see document D1, page 1, column 1, paragraph 2.

3. Dependent claims 2-4 and 7-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:

- The additional feature of summing weighted-correlated outputs to produce a bit estimate of an original non-spread bit stream comes within the scope of the customary practice followed by persons skilled in the art (see for example D2, page 4, lines 4-11).
- The additional feature of claims 3, 4, 8 and 9, dealing with the weighting factors of the correlation outputs, is merely one of the several straightforward possibilities from which the skilled person would select, without the exercise of inventive skill, especially as the advantages thus achieved can be readily contemplated in advance, in order to appropriately estimate an original non-spread bit stream corresponding to the delay spread.

Therefore, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of dependent claims 2-4 and 7-9 does not involve an inventive step in the sense of Article 33(3) PCT.

From the INTERNATIONAL SEARCHING AUTHORITY

PCTNOTIFICATION OF RECEIPT
OF SEARCH COPY

(PCT Rule 25.1)

To:

THOMSON LICENSING INC.
Attn. Tripoli, Joseph S.
2 Independence Way, Suite 200
Princeton, NJ 08540
UNITED STATES OF AMERICA

Date of mailing
(day/month/year)

01/06/2004

Applicant's or agent's file reference

PU040062

IMPORTANT NOTIFICATION

International application No.

PCT/US2004/007676

International filing date (day/month/year)

09/03/2004

Priority date (day/month/year)

Applicant

THOMSON LICENSING S.A.

1. Where the International Searching Authority and the receiving Office are not the same office:

The applicant is hereby notified that the search copy of the international application was received by this International Searching Authority on the date indicated below.

Where the International Searching Authority and the receiving Office are the same office:

The applicant is hereby notified that the search copy of the international application was received on the date indicated below.

10/05/2004 (date of receipt).

2. ☐ The search copy was accompanied by a nucleotide and/or amino acid sequence listing or tables related thereto in computer readable form.

3. Time limit for establishment of international search report and written opinion of the International Searching Authority

The applicant is informed that the time limit for establishing the international search report and the written opinion of the International Searching Authority is three months from the date of receipt indicated above or nine months from the priority date, whichever time limit expires later (Rules 42.1 and 43bis.1(a))

4. A copy of this notification has been sent to the International Bureau and, where the first sentence of paragraph 1 applies, to the receiving Office.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

ISA/EP

PCT

From the INTERNATIONAL SEARCHING AUTHORITY

To:

THOMSON LICENSING INC.
Attn. Tripoli, Joseph S.
2 Independence Way, Suite 200
Princeton, NJ 08540
UNITED STATES OF AMERICA

COMMUNICATION IN CASES FOR WHICH
NO OTHER FORM IS APPLICABLE

Applicant's or agent's file reference PU040062	Date of mailing (day/month/year) 01/06/2004
International application No. PCT/US2004/007676	REPLY DUE See paragraph 1 below
Applicant THOMSON LICENSING S.A.	International filing date (day/month/year) 09/03/2004

1. ☐ **REPLY DUE** within _____ ~~XXXX~~ days from the above date of mailing

☒ **NO REPLY DUE**

2. **COMMUNICATION:**

The applicant is informed that establishment of the international search report (ISR) for non first-filings may be delayed due to a current search backlog.


Although the time limit for entering the national phase before designated offices under Article 22(1) PCT and elected offices under Article 39(1) PCT has, with effect from 1 April 2002 (see PCT Gazette 44/2001 Section IV) been set at 30 months from the priority date (before the EPO the time limit is 31 months from the priority date - see Rule 107 EPC as amended with effect from 2 January 2002 - OJ EPO 8-9/2001, 373) not all PCT contracting states have yet made the necessary changes to their national laws and will for the time being continue to require entry to the national phase at 20/21 months from the priority date if a demand has not been filed before the end of 19 months from the priority date - see PCT Gazette/PCT Newsletter available on the WIPO internet site at <http://www.wipo.int/pct/en/index.html> for an up to date list of the applicable time limits.

In these circumstances, the EPO acting as IPEA will accept, without any late payment fee under Rule 58bis PCT, the handling fee and the preliminary examination fee due in respect of the demand relating to the present application, even if they are not paid within the time limit prescribed in Rules 57.3 and 58.1(b) PCT, provided that they are paid within one month from the date of transmittal of the ISR; i.e., the EPO will only send an invitation pursuant to Rule 58bis.1(a) PCT after expiry of this one-month period. In all cases where the EPO has sent an invitation to pay and the applicant has not paid in full the amount due, the demand shall be considered as if it had not been submitted (Rule 58bis.1(b)-(d) PCT). A loss of rights may well be the consequence in designated states where the time limit for entry into the national phase under Article 22 PCT has already expired (see also Article 37(4) PCT).

Note that if the competent IPEA chosen by the applicant is not the EPO and if the fees mentioned above are not paid within the time limit prescribed in Rules 57.3 and 58.1(b) PCT, the competent IPEA is entitled to apply Rule 58bis.1(a) PCT immediately thereafter.

If your application is affected, we apologise for any inconvenience caused.

Finally, applicants are reminded that as of 3 January 2002 a rationalised PCT II procedure may apply, see OJ EPO 11/2001, 539 and that the EPO as ISA will not carry out international search on an application which relates to no more than a method of doing business, see OJ EPO 10/2001, 482. Applicants should also bear in mind the restriction of the EPO's competence as ISA and IPEA in certain technical fields in respect of certain international applications, see OJ EPO 1/2002, 52 and PCT Newsletter 1/2002 for further details.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer ISA/EP
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